

REMARKS/ARGUMENTS

Claims 1-34 are presented in this application. Applicant requests that the claims be restricted as follows:

Group I: Claims 1-15 directed to methods of fabricating a nanostructure classified in class 423, subclass 447.3;

Group II: Claims 16-26 directed to nanostructure devices classified in class 428, subclass 408; and

Group III - Claims 27-34 directed to methods for having a nanostructure interact with a local environment classified in class 977, subclass 902.

Groups I and II are related as process of making and product made. Because the products described in Group II can be made by materially different processes than those described in Group I the inventions are distinct (*see* MPEP § 806.05(f)). For example, coating the nanotubes can be done by a variety of different processes to make the passivated nanostructures in the claimed devices.

Group III and Group II are related as process and apparatus for its practice. Because the processes described in Group II can be practiced by materially different apparatuses than those described in Group II, the inventions are distinct (*see* MPEP § 806.05(e)). For example, a device without a coated nanostructure can be used to communicate with a local environment. In addition, Group III and Group I are unrelated in the since that the Applicant believes they have acquired a separate status in the art (*see* MPEP § 808.02).

Applicant elects the claims of Group II without traverse, and reserves the right to file divisional applications directed to the non-elected claims.

Appl. No. 10/783,713
Suggested Restriction Requirement
under 37 CFR 1.142 dated October 25, 2007

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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